

----- Original Message -----

Subject: Letter from Tilcon
Resent-From: Islandereast.Comments@noaa.gov
Date: Thu, 20 Nov 2003 19:38:35 EST
From: KKennedyMD@aol.com
To: islandereast.comments@noaa.gov

I want to place into the record the attached April 2002 letter from Tilcon.

Tilcon is the company that owns the traintracks alongside which the Islander East Pipeline is proposed to run.

This April 2002 letter was provided as testimony to the CT Siting Council.

Respectfully submitted,

Katherine Kennedy



TilconTestimony4_02.pdf

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April 5, 2002

VIA HAND DELIVERY

S. Derek Phelps, Executive Director
State of Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

**Re: Docket No. 221
Algonquin Gas Transmission Company
Islander East Company, LLC
Our File No. 10510.6125**

Dear Mr. Phelps:

The intervenors, Tilcon Inc. and Branford Steam Railroad Company (“Tilcon” and “Railroad”) are affiliated companies. They are the owners and operators of a railroad system which extends from Tilcon’s rock quarry in North Branford, Connecticut southerly to Long Island Sound at Pine Orchard in Branford, Connecticut. The affected portion of this rail system is depicted on the applicant’s sketches, sheets 6-11. Tilcon and Railroad and their predecessors have owned and operated this rail system since at least 1914. Most of its north/south route is approximately fifty feet (50’) wide. It is Connecticut’s most active railroad, a train moves over it every one-half hour for ten to sixteen hours per day. It also carries the most tonnage of any railroad system in Connecticut.

This railroad system and its right of way were established to provide an economical and safe means of transporting Tilcon’s stone to its Pine Orchard marine terminal transshipping facility. The crushed stone aggregate is transferred from the rail cars to barges and shipped to customers along the eastern seaboard. This railroad line is also used to ship crushed stone aggregate by rail to other Tilcon facilities and other customers. The rail system is extremely valuable and necessary for Tilcon’s business. It is expected to continue to provide a transportation system to the Sound for at least the next one hundred years.

This rail system and its related train equipment are well maintained. It enjoys an exemplary safety record. Extreme care is used in its operation to protect the rights of its residential

neighbors. Visual screening and noise abatement of the train operation is presently provided by the ancient tree and other vegetative growth along the right of way. Islander East recognizes the important of this facility to Tilcon' business. In its January 14, 2002 report, Exhibit 1 hereto, at page 1, it states:

“The BSRR rail operation is an essential element and integral part of the rock quarrying operation. The quarry operations cannot be sustained without railroad transport of the quarried stone. Consequently, BSRR facilities and equipment are extremely well maintained with maximum operational safety in place to ensure continuous operation of the stone hauling operation.”

Despite all of the precautions employed by Tilcon and Railroad to prevent accidents, they occasionally occur. Trains weighing four million pounds derail and damage the track system and surrounding areas.

Tilcon and Railroad's ongoing maintenance and improvement projects require that the full width of the right of way be available to allow the restoration of tracks and other facilities or to allow the repair of derailments and spillage resulting from derailments.

The southerly portion of this system contains the marshalling yard where numerous rail cars are temporarily stored for shipment by the P&W railroad on the Amtrak Railroad system. See sketch 10. Large P&W locomotives and cars are regularly sidetracked in this area as well. The barge loading facility at the southerly terminus of the railroad is an extremely busy and congested work area. Scores of barges are loaded and shipped daily. There is ongoing maintenance of this loading facility, including the detention ponds located just east of the right of way. The dredged sediment from these ponds is transported to the area just north of the Amtrak main line for drying and disposal off site. Any pipeline facilities in this area would be at risk from rail operations and detrimental to Tilcon's operations. The terminal area is designed to only accommodate the business operations of Tilcon and Railroad.

The voluminous material submitted by the applicant does not provide sufficient information about the exact location and construction details of the proposed pipeline. A white line has been drawn on the sketches and labeled "Pipeline". There are no accurate surveys for the Tilcon and Railroad properties. Certain structures, e.g. valves, H.D.D. (drilling location) are depicted in a general way. No construction schedules have been established or provided.

A review of what little substantive information has been furnished indicates that the applicant intends to permanently install its pipeline system on the Tilcon and Railroad property between what it calls milepost 6 to milepost 10.1, approximately four (4) miles. The installation of this pipeline in the general area depicted on the applicant's sketches will preclude Tilcon and Railroad from the full utilization of its right of way. Improvements and routine maintenance will be thwarted and hindered by the location of the pipeline system. Tilcon requires the unfettered ability to use the entire width of the right of way in the operation and maintenance of the rail system. The intended construction and maintenance of the pipeline along the railroad tracks poses serious safety concerns. The right of way is too narrow to accommodate the railroad operation and the pipeline!

The various above ground structures placed along the right of way, and even the pipeline itself, are possible objects which will be damaged by future derailments or other train accidents. The occupation of the railroad right of way of the applicant's workers and equipment could force a shut down of rail and quarry operations. The "HDD" drilling site could be occupied for as long as a year which could effectively close the barge operation and create an untenable business condition for Tilcon.

In short, the pipeline and the railroad cannot safely co-exist on this narrow, single purpose piece of property! There are better, safer and less invasive options available to the applicant for its pipeline.

Very truly yours,
Tilcon Inc. & Branford Steam Railroad Company

A handwritten signature in black ink, appearing to read "SJA", with a stylized flourish at the end.

By Stephen J. Anderson, Its Attorney